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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION**

Johanna Isabel Romo,

Plaintiff,

v.

Carolyn Colvin¹, COMMISSIONER
OF SOCIAL SECURITY,

Defendant.

Case No. 1:24-cv-00455-JLT-GSA

**STIPULATION FOR THE AWARD
AND PAYMENT OF ATTORNEY
FEES AND EXPENSES PURSUANT
TO THE EQUAL ACCESS TO
JUSTICE ACT; ORDER**

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount of SEVEN THOUSAND FIVE-HUNDRED 00/100 (\$7,500.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and costs in the amount of ZERO dollars (\$0.00) under 28 U.S.C. §1920. This amount

¹ Carolyn Colvin became the Commissioner of Social Security on November 30, 2024. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn Colvin should be substituted for Martin O'Malley as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 represents compensation for all legal services rendered on behalf of Plaintiff by counsel
2 in connection with this civil action, in accordance with 28 U.S.C. §§ 1920, 2412(d).

3 Plaintiff was the prevailing party in this matter and Plaintiff is an individual
4 whose net worth does not exceed \$2,000,000 at the time the civil action was filed.

5 After the Court issues an order for EAJA fees to Plaintiff, the government will
6 consider the matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to
7 *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability
8 to honor the assignment will depend on whether the fees are subject to any offset
9 allowed under the United States Department of the Treasury's Offset Program. After
10 the order for EAJA fees is entered, the government will determine whether they are
11 subject to any offset.
12

13 Fees shall be made payable to Plaintiff, but if the Department of the Treasury
14 determines that Plaintiff does not owe a federal debt, then the government shall cause
15 the payment of fees, expenses and costs to be made directly to Jonathan O. Peña,
16 pursuant to the assignment executed by Plaintiff. Any payments made shall be
17 delivered to Jonathan O. Peña and may be paid by a check or electronic fund transfer
18 (ETF). This stipulation constitutes a compromise settlement of Plaintiff's request for
19 EAJA attorney fees, and does not constitute an admission of liability on the part of
20 Defendant under the EAJA or otherwise. Payment of the agreed amount shall constitute
21 a complete release from, and bar to, any and all claims that Plaintiff and/or Jonathan O.
22 Peña, including Peña & Bromberg, PLC, may have relating to EAJA attorney fees in
23 connection with this action.

24 The parties further agree that the EAJA award is without prejudice to the right of
25 Plaintiff's attorney to seek attorney fees pursuant to Social Security Act § 206(b), 42
26 U.S.C. § 406(b), subject to the offset provisions of the EAJA. *See* 28 U.S.C. §
27 2412(c)(1) (2006).
28

Respectfully submitted,

Dated: December 18, 2024

/s/ Jonathan O. Peña

JONATHAN O. PEÑA

Attorney for Plaintiff

Dated: December 18, 2024

PHILLIP A. TALBERT

United States Attorney

MATHEW W. PILE

Associate General Counsel

Office of Program Litigation

Social Security Administration

By: * Mary Tsai

Mary Tsai

Special Assistant U.S. Attorney

Attorneys for Defendant

(*Permission to use electronic signature
obtained via email on December 18, 2024).

ORDER

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees and Expenses (the "Stipulation"),

IT IS ORDERED that fees and expenses in the amount of SEVEN THOUSAND FIVE-HUNDRED 00/100 (\$7,500.00) as authorized by the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: December 18, 2024

/s/ Gary S. Austin

UNITED STATES MAGISTRATE JUDGE